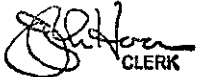


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
FEB 05 2007

CLERK

CHARLES E. SISNEY,

CIV 03-4260

Plaintiff,

vs.

TIM REISCH, Secretary of Corrections for
South Dakota; DOUGLAS L. WEBER,
Chief Warden for the Department of
Corrections of South Dakota; DENNIS
BLOCK, Associate Warden for the South
Dakota State Penitentiary; JENNIFER
WAGNER a/k/a Jennifer Lane, Cultural
Activities Coordinator for the South Dakota
State Penitentiary; DOUG LOEN, Policy
Analyst for the South Dakota State
Penitentiary; DARYL SLYKHUIS, Interim
Warden of the South Dakota State
Penitentiary; JOHN/JANE DOE STAFF
MEMBERS, AGENTS, EMPLOYEES
AND/OR OFFICERS OF THE SOUTH
DAKOTA STATE PENITENTIARY
AND/OR SOUTH DAKOTA
DEPARTMENT OF CORRECTIONS; all
Defendants sued in both their individual and
official capacities,

MEMORANDUM OPINION
AND ORDER

Defendants.

Defendants' reply brief on their summary judgment motion is due on February 28, 2007. The issue in the summary judgment motion is whether Plaintiff's action should be dismissed for failure to exhaust administrative remedies. The Supreme Court issued a decision on January 22, 2007, regarding exhaustion of administrative remedies under a section of the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a), *see Jones v. Bock*, Nos. 05-7058, 05-7142, 2007 WL 135890 (U.S. Jan. 22, 2007), which significantly impacts Defendants' arguments in this action. Thus, the Court will direct


Defendants to address the impact of this decision in their reply brief due February 28, 2007, and will allow Plaintiff an opportunity to respond to Defendants' arguments about how *Jones v. Bock, supra*, affects the exhaustion issue before the Court. Accordingly,

IT IS ORDERED:

1. That, in their reply brief due February 28, 2007, Defendants shall address the impact of the Supreme Court's recent decision in *Jones v. Bock*, Nos. 05-7058, 05-7142, 2007 WL 135890 (U.S. Jan. 22, 2007), on their Motion for Summary Judgment for Failure to Exhaust Administrative Remedies, Doc. 154.
2. That, on or before March 9, 2007, Plaintiff may file a brief in response to Defendants' arguments in their reply brief regarding the impact of *Jones v. Bock, supra*, on the exhaustion issues in this action.

Dated this 4th day of February, 2007.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

By: 
Deputy